



Honorable August B. Landis
United States Bankruptcy Judge



Entered on Docket
July 09, 2014

CHRISTOPHER P. BURKE, ESQ.
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Attorney for Debtor(s)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In Re:)	BK-S-13-17911-ABL
)	Chapter 13
JEFFREY SCOTT BEAUCHAMP, and)	
LAUREN MICHELLE BEAUCHAMP,)	
)	
Debtor(s).)	DATE: 6/19/14
)	TIME: 3:00 P.M.

**ORDER APPROVING MOTION TO VALUE COLLATERAL AND MODIFY
(STRIP OFF) THE SECOND MORTGAGE OF NATIONSTAR MORTGAGE,
LLC (ACCT. ENDING NO. 1893) FOR PROPERTY 9148 DUTCH OVEN CT.,
LAS VEGAS, NV 89178 PURSUANT TO 11 U.S.C. §506 (a), §1322 AND
OBJECTION TO SAID CLAIM PURSUANT TO F.R.B.P. 3007**

Upon the reading and filing of Debtors, JEFFREY SCOTT and LAUREN MICHELLE BEAUCHAMP, ("Debtors" or "Beauchamp") Motion to Value Collateral and Modify (Strip Off) the Second Mortgage of Nationstar Mortgage, LLC (Acct. Ending No. 1893) for Property 9148 Dutch Oven Ct., Las Vegas, NV 89178 Pursuant to 11 U.S.C. §506(a), §1322 and Objection to Said Claim Pursuant to F.R.B.P. 3007, by and through their attorney, CHRISTOPHER P. BURKE, ESQ., and Nationstar Mortgage, LLC., ("Creditor" or "Nationstar") not opposing nor appearing, and based upon the papers and pleadings on

1 file herein, and good cause appearing: the Court finds as follows:

2 1. The Debtor's real property located at 9148 Dutch Oven Ct., Las Vegas, NV
3 89178 ("Dutch Oven") is valued at \$195,302.00 as of the date of the Debtor
4 Chapter 13 Petition.

5 2. Dutch Oven is collateral for a senior secured claim of Nationstar Mortgage
6 ("Nationstar").

7 **[Check only one box, and fill in blanks]**

8 X Nationstar has filed a Proof of Claim [11-1] related to such claim, and
9 such Proof of Claim claims a debt of \$[447,752.09]. Nationstar Proof
10 of Claim indicates that Nationstar has assigned [#8804] to this claim.

11 **[or]**

12 — Senior has **not** filed a Proof of Claim related to its claim, but has
13 assigned [account#] to this claim. The Debtor's schedules list the
14 amount of Senior claims as \$[amount].

15 3. Dutch Oven is also collateral for a junior secured claim of Nationstar
16 Mortgage ("Nationstar").

17 X Nationstar has filed a Proof of Claim [9-1] related to such claim, and
18 such Proof of Claim claims a debt of \$[203,557.16]. Junior Proof of
19 Claim indicates that junior has assigned [#1893] to this claim.

20 — Junior has **not** filed a Proof of Claim related to its claim, but has
21 assigned [account#] to this claim. The Debtor schedules list the
22 amount of junior claims as \$[amount].

23 4. Given the above Nationstar interest in the Debtor interest in Dutch Oven has
24 no value.

25 THEREFORE, IT IS HEREBY ORDERED, that pursuant to *Zimmer v. PSB Lending*
26 Corp. (*In re Zimmer*), 313 F.3d 1220(9th Cir. 2002), and 11 U.S.C. §§506(d) and 506(d),

1 Nationstar claim is unsecured, and shall be treated as unsecured for all purposes in this
2 case, including the manner in which such claim is treated and paid in Debtor Chapter 13
3 plan; and

4 IT IS FURTHER ORDERED that should Debtors receive a discharge in this case,
5 Nationstar, shall as soon as practicable thereafter take all necessary and appropriate steps
6 to remove its lien of record, and to ensure that Debtors title to Dutch Oven is clear of any
7 cloud on titled related to Nationstar claim. This court hereby reserves jurisdiction with
8 respect to any dispute over the actions necessary to comply with this paragraph; and

9 IT IS FURTHER ORDERED that should this case be converted to one under another
10 chapter, 11 U.S.C. §348(f) shall govern the continued validity of this order; and

11 IT IS FURTHER ORDERED that should this case be dismissed, 11 U.S.C.
12 §349(b)(1)-(3) shall govern the continuing validity of this order; and

13 IT IS FURTHER ORDERED that nothing in this order shall be deemed to be an
14 allowance or disallowance of any claim of Nationstar Mortgage, LLC., and Nationstar
15 Mortgage, LLC, and any party in interest, including the Debtors or the Trustee, may
16 hereafter object to either claim on any ground recognized by the Bankruptcy Code.

17 **IT IS SO ORDERED.**

18 Dated this day of July, 2014.

19 Submitted by:

Approved/Disapproved:

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22 CHRISTOPHER P. BURKE, ESQ.
23 Nevada Bar No. 004093
24 218 S. Maryland Pkwy.
25 Las Vegas, NV 89101
(702) 385-7987
Attorney for Debtor(s)

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Waived
RICK A. YARNALL
Chapter 13 Trustee
701 Bridger Ave. Suite# 820
Las Vegas, NV 89101
(702) 853-4500

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1 ALTERNATIVE METHOD re: RULE 9021:

2 In accordance with Local Rule 9021, counsel submitting this document certifies that the order
3 accurately reflects the court's ruling and that (check one):

4 ☐ The court waived the requirement set forth in LR 9021 (b) (1).

5 ☐ No party appeared at the hearing or filed an objection to the motion.

6 ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing,
7 and any unrepresented parties who appeared at the hearing, and each has approved or
disapproved the order, or failed to respond, as indicated below [list each party and
whether the party has approved, disapproved, or failed to respond to the document]:

8 RICK A. YARNALL
701 Bridger Ave. #820
9 Las Vegas, Nevada 89101
Chapter 13 Trustee

10 **Waived**

11 ☐ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order
12 with the motion pursuant to LR 9014 (g), and that no party has objected to the form or
13 content of the order.

14 Submitted by:

15 /S/ CHRISTOPHER P. BURKE, ESQ.
16 CHRISTOPHER P. BURKE, ESQ.
17 Attorney for Debtor
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